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June 5, 2025

Via ECF

The Honorable Margaret M. Garnett
United States District Judge
United States District Court
40 Foley Square
New York, NY 10007

Re: *Amy Meisner v. 623 Ninth Avenue Associates, LLC and Lotus West Corp.*
Case No. 1:23-cv-05833 (MMG)

Dear Judge Garnett:

We represent the plaintiff, Amy Meisner, in the above-referenced action. We write concerning the joint pretrial filings due by June 9, 2025. See Order of May 28 2025, Dkt No. 84. Because defendants 623 Ninth Avenue Associates, LLC and Lotus West Corp. (together, "Defendants") refuse to provide Plaintiff with their comments to the draft joint pretrial documents Plaintiff seeks Court intervention.

Plaintiff respectfully asks the Court to extend the deadline for the joint pretrial filings by 14 days, to June 23, 2025. In addition, Plaintiff respectfully requests that the Court Order Defendants to provide their comments to the draft pretrial documents by Wednesday, June 11, 2025, and thereafter, require each party to respond to any revisions proposed to a pretrial document by another party within 24 hours from the time the comments are transmitted.

To understand Defendants' refusal to work cooperatively with Plaintiff on the joint pretrial filings, Plaintiff details the dates on which she transmitted her proposed joint pretrial documents to Defendants. On September 4 and 5, 2024, Plaintiff transmitted drafts of her proposed Joint Requests to Charge, Verdict Form and Voir Dire to Defendants. On May 14, 2025 Plaintiff resent these draft documents to Defendants. Each time, Plaintiff requested that Defendants provide their comments for review.

On May 30, Plaintiff provided Defendants with her comments to the proposed Joint Pretrial Order revised by defendant 623 Ninth Avenue Associates, LLC on May 27, 2025. Plaintiff also asked Defendants for their comments to the required pretrial filings she previously transmitted. In addition, Plaintiff asked Defendants to provide their comments by June 2, 2025, highlighting the June 9, 2025 filing deadline.

Defendants did not respond.

On June 3, 2025, Plaintiff again requested Defendants' comments to the joint pretrial filings asking them to provide comments by close of business.

Yet again, Defendants did not respond.

To date, Defendants have failed to provide Plaintiff with any comments. Defendants have also not requested more time from the Court.

Given Defendants' failure to work cooperatively, or to even communicate with Plaintiff, on the pretrial filings the parties must jointly file, Plaintiff respectfully asks the Court to extend the deadline for all pretrial filings from June 9, 2025 to June 23, 2025. In addition, Plaintiff respectfully requests the Court to Order Defendants to provide their comments to the draft pretrial documents by Wednesday, June 11, 2025, and thereafter, require each party to respond to any revisions proposed to a pretrial document by another party within 24 hours from the time the comments are transmitted.

Thank you for your time and attention to this matter.

Respectfully,

/s Adam Hanski
Adam S. Hanski

Application GRANTED IN PART. In light of Plaintiff's counsel's representations, the parties' Joint Pretrial Order, Daubert-related motions, any additional motions in limine, joint proposed voir dire questions, requests to charge, and verdict sheet shall be due no later than **June 13, 2025**. This deadline and the trial dates are **firm** and **will not be adjourned**, absent exceptional circumstances that could not have been anticipated as of the date of this Order. On the pain of sanctions, Defendants' counsel is admonished to work in good faith to jointly prepare the parties' pre-trial materials. If Defendants' counsel continues to be uncooperative and unresponsive, it is further ORDERED that Plaintiff shall have leave to file the drafted pre-trial materials as-is by June 13, 2025. If necessary, the Court will determine appropriate sanctions at that time, including the possible preclusion of evidence or arguments by Defendants at trial. The Clerk of Court is respectfully directed to terminate Dkt. No. 85.

SO ORDERED. Date: 6/6/2025.


HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE